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By: Mail / Fax / Messenger Initials:	<i>YHM</i>	
File #:	179/01/07	CC: <i>GEO POMEROY</i>
Calendar:	Y	Approved:
Initials:	<i>YHM</i>	Date: 5/7/02 <i>YHM</i>

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ALASKA

ELISHA SHEPHERD,

Plaintiff,

v.

MILTON J. JAKEWAY,

Defendant.

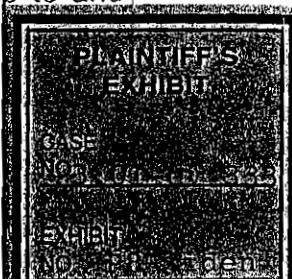
No. A01-0333 CV (JKS)

RESPONSE TO PLAINTIFF'S
 FIRST DISCOVERY REQUEST

Responses to Interrogatories.

INTERROGATORY NO. 1: Please identify each and every person within the United States Army who was vested with the authority to approve or otherwise authorize a search and seizure at the residence of the Plaintiff on Fort Richardson, Alaska on November 18, 2000.

ANSWER: Objection. Plaintiff's interrogatory is overbroad and unduly burdensome in that authority rests with the commanders outside of Alaska up to and



- 1.: The Constitution of the United States and all relevant interpreting judicial decisions;
2. Military Rules of Evidence 314, 315, 316;
3. Army Regulation 190-22;
4. Criminal Investigation Division Supplement to AR 190-22;
5. Army Regulation 195-2;
6. Criminal Investigation Division Regulation 195-1;
7. Criminal Investigation Division Pamphlet 195-10.

INTERROGATORY NO. 5: Please identify each and every fact that you contend authorized you to conduct a search of the Plaintiff's residence and property in the captioned case, including a search which included viewing the contents of the video tape which is the subject of the captioned law suit.

ANSWER: The following facts demonstrate authorization to conduct a search of the Plaintiff's residence and property in the captioned case, including the viewing of a portion of the contents of the videotape which is the subject of the captioned law suit:

On November 18, 2000, Specialist Charles Shepherd was apprehended for criminal misconduct including assault and attempted suicide. There was no significant delay between his apprehension and the search of the master bedroom of the Plaintiff's residence where Specialist Shepherd committed these crimes. It was during this search of the master bedroom for evidence of these crimes that an unlabeled videotape was discovered in plain view, and the videotape was discovered within minutes of the apprehension. The videotape was located within a few steps of where Specialist Shepherd attempted to commit suicide in front of Agent Angela Birt and Investigator Wisel. There was nothing in the master bedroom on which to play a videotape, and there were no other videotapes discovered in the master bedroom. Agent Birt was consulted and agreed that the tape should be screened for any evidentiary value as a possible suicide note. Prior to the initiation of this search incident to apprehension, Plaintiff Elisha Shepherd consented to the search of her property for weapons.